

REMARKS

Claims 21-26 have been amended and no claims have been cancelled, withdrawn or added. Therefore, claims 1-10 and 21-26 are pending.

Objections to Specification and Abstract

The specification and abstract have been amended as required by the Office Action of April 27, 2006 ("Office Action") by changing "structure" to "structured." These amendments merely correct an error in spelling and no change in meaning is intended.

Rejection of Claim 21 based on 35 U.S.C. § 101

The Office rejects claim 21, finding that the preamble term "machine-readable medium" is not limited to statutory subject matter, because the specification (at page 18, paragraph 0054) states that "machine-readable medium refers to any media." The Office finds that under this definition, machine-readable media could refer to non-statutory subject matter, for example, a signal. (Office Action, p. 3).

Applicants respectfully disagree. The term "machine-readable medium" appears only in the preamble of claim 21. Claim 21 affirmatively recites "information stored in a memory device" as is therefore limited to tangible subject-matter. Nevertheless, in order to advance prosecution, and without intending any change in claim scope, Applicants amend the preamble of claim 21 to read "machine-readable storage medium" as suggested by the Examiner. (Office Action, p. 3). The same amendment is made to dependent claims 22-26. Applicants thank the Examiner for making this suggestion and thus expediting prosecution of this matter.

Rejection of Claim 1 based on 35 U.S.C. § 112

The Office rejected claim 1 as indefinite because of the use of the term "and/or" in the phrase, "tables and/or attributes." The Office cites no specific authority holding that "and/or" is inherently indefinite and makes no argument stating how the term is indefinite in the context of claim 1. Applicants respectfully request the Office to either cite some specific authority or to specifically explain why it regards "and/or" as indefinite.

Claim 1 simply recites tables, attributes, or both tables and attributes. It is equivalent to the logical statement: A or B or the combination of A and B. There is no ambiguity. The list of potential alternatives is explicit and clear. See: MPEP § 2173.05(h)(II) and (III) (The claim

term “or” is acceptable and the claim term “optionally” is acceptable unless the list of potential alternatives is unclear). On June 21, 2006, the undersigned performed a patent search at the USPTO website for “ACLM/‘and/or’” and received 124,438 hits (i.e., 124,438 issued patents with “and/or” in at least one claim). Applicants respectfully request the Office to reconsider this indefiniteness rejection.

Rejections based on 35 U.S.C. § 103(a)

The Office rejected claim 1-4, 6-10 and 21-26 as being unpatentable over U.S. Patent No. 6,584,459 issued to Chang et al. (“Chang”) in view of U.S. Patent No. 6,721,727 issued to Chau et al. (“Chau”). Claim 5 is rejected over Chang, Chau, and if further view of Pub. No. US2002/0099735 by Schroeder et al. (“Schroeder”). For at least the reasons set forth below, claims 1-10 and 21-26 are patentable over the cited references.

Claim 1 reads in part:

“**accessing the stored text file as a relational database** via a programming interface that includes a procedure call format representing a declarative statement.” (Emphasis added).

Thus, claim 1 recites a stored text file that is accessed **as a relational database**. It does not recite merely having a text file **in** a database or **using** a relational database to access a text file. Rather, the stored text file must be accessed **as a relational database**.

The Office concedes that Chang does not explicitly teach accessing a stored text file as a relational database. (Office Action, p. 4, second bullet). As discussed below, Chau also does not teach or suggest this limitation.

The Office finds that Chau teaches, “accessing the stored text file as a relational database,” but the only citations to support this finding are to Figure 2, block 202 and column 6, line 4 of Chau. (Office Action, p. 5). However, block 202 of Figure 2 is just an “Application program.” It does not address the limitation of “accessing the stored text file as a relational database.” Line 4 of column 6 of Chau also merely discusses an “application program” and also does not address the limitation of “accessing the stored text file as a relational database.” The cited portions of Chau therefore fail to teach or suggest at least the above limitation of claim 1.

The combination of Chang and Chau therefore fails to teach at least the above limitation of claim 1. Claim 1 is not rendered obvious by Chang and Chau. Claims 2-4 and 6-10 depend

from and include the limitations of claim 1. Therefore, they not rendered obvious by Chang and Chau. MPEP § 2143.03.

By the same reasoning, the rejection of claim 5 in further view of Schroeder is overcome. Claim 5 depends from and includes the limitations of patentable claim 1. It is therefore also not rendered obvious by Chang and Chau. Id. By relying on MPEP § 2143.03 to overcome the rejection of the dependent claims, Applicants do not acquiesce in the specific rejections and assert that each of the dependent claims is independently patentable.

Claim 21 reads in part:

“**accessing the stored text file** in response to the request **as a relational database** via a programming interface that includes a procedure call format representing a declarative statement;” (Emphasis added).

Thus, claim 21 also recites a stored text file that is accessed **as a relational database**.

The Office concedes that Chang does not explicitly teach “accessing the stored text file in response to a request **as a relational database . . .**” (Office Action, p. 8, bullet 3) (Emphasis added). As discussed above, Chau also does not teach or suggest the above limitation.

As with claim 1, the Office cites only Figure 2, Block 202 and column 6, line 4 of Chau to support its finding that Chau teaches the above limitation. (Office Action, p. 8, last paragraph). However, as discussed above, the cited portions of Chau do not teach or suggest at least the limitation of “accessing the stored text file in response to the request **as a relational database.**”

Therefore, the combination of Chang and Chau do not teach or suggest at least the above limitation of claim 21. Claim 1 is therefore not rendered obvious by Chang and Chau. MPEP § 2143.03. Claims 22-26, which depend from patentable claim 21, are therefore also not rendered obvious by Chang and Chau. Id. By relying on MPEP § 2143.03 to overcome the rejection of the dependent claims, Applicants do not acquiesce in the specific rejections and assert that each of the dependent claims is independently patentable.

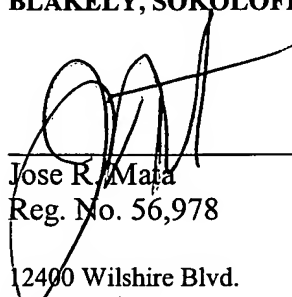
CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections of the claims have been overcome herein, placing all pending claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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Date: June 22, 2006



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